

(2018) 08 CHH CK 0231

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2307 Of 2018

Belasiya Bai Baiga

APPELLANT

Vs

State Of Chhattisgarh
And Ors

RESPONDENT

Date of Decision: Aug. 21, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: R. K. Gupta, Rajendra Tripathi

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner claims to be an allottee of forest land in Village Janakpur, District Korea. Prayer made in the writ petition is to the effect that the land be

settled in petitioner's favour for betterment and rehabilitation of Baiga Community and further direction to the respondents to provide compensation for

illegal demolition and causing damage to the agricultural land and house belonging to the petitioner.

2. The Khasra Panchshala (Annexure-P-2) clearly shows that the subject land is entered as 'Bade Jhad Ka Jungle' and the petitioner's possession is

recorded in column No.12 thereof. There is no document of allotment in favour of the petitioner, as claimed by her. The issue as to whether or not the

petitioner is entitled to protect her possession only on the basis of representation filed on 24.11.2017 (Annexure-P-3) cannot be gone into in this

petition, because no such relief has been claimed and moreover there are disputed questions of facts as to whether or not the petitioner remained in

possession of the subject land.

3. The writ petition is dismissed, however, liberty is reserved in favour of the petitioner to work out her remedy before the appropriate authority under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if she considers herself to be a beneficiary under the said provision.